IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7146 OF 2005

Shri Bhima-Shankar Sayabanna Koli. ...Petitioner
V/s.
The Tahsildar, Akkalkot, and the
Returning Officer, Village Panchayat
Election Mundhewadi, Solapur & Ors. ...Respondents

Shri S.G. Kudle for Petitioner.
Shri Prashant Patil i/b. R.V. More for Respondent No.2.
Shri P.P. Kakade, AGP for Respondent No.1.

CORAM : V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATED : JUNE 19, 2006

P.C. :-

. By this petition, the petitioner has challenged the order dated 10th October, 2005 whereby the Returning officer for election to the Village Panchayat Mundhewadi, rejected the nomination paper of the petitioner.

. The petition was filed on 14th October, 2005 and on 18th October, 2005, Rule was granted in the following terms :-

". Heard the learned counsel for the parties.

. Rule. Returnable in two weeks.

. In view of the fact that the election process has already commenced, no interim relief can be granted. Request for the same is rejected.

. If the matter is not listed after two weeks, liberty to mention for listing."

However, the matter was not listed thereafter and has come up for hearing today.

. The elections were over on 25th October, 2005. The question of wrongful rejection of nomination paper could have been agitated by way of Election Petition but that appears is not done. Since the question whether the Tahsildar acting as Returning Officer has jurisdiction to reject the petitioner’s nomination paper in the manner in which it was rejected, for the present petition, is an academic question, we see no reason to address ourselves to this question at this stage. Petition rejected.

(V.G. PALSHIKAR, J.)

(V.M. KANADE, J.)